

Commonwealth of Virginia

PRIVATE SECURITY SERVICES ADVISORY BOARD

March 6, 2007
Quarterly Meeting Minutes

Department of Health Professions
6603 West Broad Street
Board Room 2
Richmond, Virginia 23230-1712

Call to Order

Kevin Hodges, Chairman, called the meeting to order at approximately 10:05am.

Attendees

Kevin Hodges, Chairman, Dennis VanDuzee, Vice-Chairman, Christopher DiMartino, Secretary, William Stollhans, Deputy Chief James Cervera, Thomas Turner, Harry Merchant, Connie Higginbotham, Charles Tobin, Chris Stuart (late arrival), Rafe Wilkinson (late arrival) and Kenneth Davis (late arrival).

Absent

Brent Fortner

Approval of Agenda

Chris DiMartino moved to approve the agenda as presented. William Stollhans seconded the motion. Motion carried.

Approval of Minutes

Dennis VanDuzee made a motion to approve the minutes for the December 11, 2006, PSSAB meeting as presented. Chris DiMartino seconded the motion and the motion carried.

DCJS Report

Lisa McGee, Interim Chief, reported that the agency decided to broaden the applicant pool and re-advertised the Chief position. The closing date was on March 2, 2007. Once the agency screens the applications, they will schedule interviews and hopefully we will have a new Chief in the very near future.

Staffing levels have not changed since the last meeting. PSS is currently looking to add two investigator positions that have been allocated to our section as well as an open part-time position vacant. These positions will continue to be vacant until the section has adequate resources to fill them.

The Virginia Information Technologies Agency (VITA), which is the new agency created by former Governor Warner to centralize the entire Commonwealth's IT systems and giving oversight to all agencies to one technological agency. In the past month the VITA technicians have come to our agency to change over all computer systems. PSS do have some issues, including some breaks in service, specifically with our phone system that is automated though our computer system. Lisa McGee stated should this occur in the future, please know PSS will make every attempt to get a message out on our voice mail as well as post a notice on the website if we are having any service difficulties to advise the constituency. These complications have also impacted OSPREY and WATSON usage by our registrants and training schools.

A federal and state audit was preformed on the PSS finance area. We are awaiting the concluding report, but do not foresee any issues.

Bobby Matheson has retired from DCJS as of the first of the year. His replacement is in the process of being chosen.

W. Craig Hartley, Jr. joined the DCJS Management Team as the Division Director for the newly established Division of Policy, Planning, and Research, effective February 12, 2007. Mr. Hartley joins the agency with extensive experience in and knowledge of the criminal justice system. He was employed as Assistant Chief of the Greensboro North Carolina Police Department, and served as the commander of the Administrative Operations Bureau.

Private Security is continuing to work on implementation of the new software system. We expect full implementation by May 2008.

Lisa McGee reported on the outcome of the bills that went before the General Assembly this session. She stated DCJS tracked a total of eighty-four bills, including nine bills that were related to PSS. Of the nine PSS bills tracked, the following five bills related to SCOP.

HB 2349/SB1165 – Allows for a judge in one jurisdiction to issue an appointment for a SCOP in his jurisdiction as well as outside of his limitations if property is owned in other jurisdictions. This bill passed both chambers and is awaiting signature of the Governor.

HB2899 – authorize SCOP employed by a locality to use flashing blue lights in their vehicles like other law enforcement vehicles instead of flashing red lights. This bill did not make it past the House Militia, Police and Public Safety committee.

SB1319 – SCOPs are denied if they have any firearm conviction. This bill was to restrict for only class 1 misdemeanor firearms (Class 2, 3, 4 or normally hunting violations). The bill passed the Senate but did not make it past the House Militia, Police and Public Safety Committee.

HB3207 – changing the option of a judge who may appoint a SCOP upon showing of need to requiring them to appoint (changing the word may to shall). This bill did not make it past the House Courts of Justice committee.

There were three bills submitted for Bail Bondsmen.

HB 2480 – This bill prohibited the use of real property as collateral for a bond written by a bail bondsman. This was left in the House Militia, Police and Public Safety committee.

HB3208 – Defined what an agent bail bondsman is, amended the definition of a property bail bondsman and increased the allowable bonding amount from a 1:1 ratio to a 4:1 ratio. This bill has passed both chambers and is awaiting signature of the Governor to become effective July 1, 2007.

SB855 – This senate bill was instituting a residency requirement in order to obtain a bonding license in Virginia. It was shown to be unconstitutional and did not pass the House Courts of Justice Committee.

HB3003 – Was a Private Security Bill. This bill was introduced to make amendments to 9.1-138 – 9.1-150 in reference to Private Security Services. There were some substantial changes as well as numerous housekeeping amendments. This bill was tabled in the House General Laws committee due to the numerous amendments.

This bill has been mentioned for the past year at Board meetings as well as with the Regulatory workgroups and at some association meetings.

The main aspects of this bill were to change the word of certification to licensure for Training Schools. The intent was to license entities, continue to register individuals working in the industry and to certify special individuals (CA's, instructors, Detector Examiners).

The other significant amendment was the formalized certification process of Training Directors.

Other amendments included removing the restrictions on eligibility for compliance agents, removing the option for businesses and schools to provide a surety bond in lieu of general liability, broaden the ability to receive alternative training credit, add the definition of a DCJS Authorized Service Partner, and strengthening the exemptions for attorneys, accountants, professional engineers and architects.

The remainder of the bill was strictly housekeeping, to clean up sections of the code (such as section 9.1-145 fingerprints where it calls for unarmed security officers to submit for Fingerprints if applying between January 2003 and December 2004. We have now converted all unarmed security officer certifications over to registrations so the section is no longer of any use.

Though this bill has been mentioned on numerous occasions in one way or the other, Lisa McGee apologized to the Board that the Department did not make a formal presentation of the entire bill. PSS will be working to have this bill introduced next year, but prior to doing so, the Section along with the agency policy department will establish a legislative committee established of representatives from the Board, associations and other interested parties and will ensure that the board is provided with adequate time and opportunity to review the bill. Notice will be sent out in the future asking for volunteers or recommendations of who should sit on this committee.

Lisa updated the Board on the status of all proposed regulations.

The Bail Enforcement Agents regulations are still with Governor Kaine, awaiting his signature to move forward. Once approval is received we will begin the sixty-day public comment period of the proposed regulations.

The PSS Regulations, which originally opened the regulatory process with the intent of repealing the current regulations and promulgating new regulations to replace them. This was based on the possibility of the administrative bill on PSS (HB 3003) being passed. Since this bill has been tabled, we will withdraw the original regulatory process. What this means is that we will send out a new Notice of Intended Regulatory Action and

instead of repealing and replacing the actual amendments will be made to the current regulations.

This will be beneficial to the section, as well as individuals interested in the regulatory process because it restarts the strict timelines enforced by the APA and will allow for additional input from the industry and the workgroups.

The Proposed Bail Bondsman Regulations are in the last stage of the Regulations Relating to Property and Surety Bail Bondsmen. Lisa McGee will make the final presentation to the CJSB COT on Thursday, March 8, 2007. The agency has followed the APA as well as all executive orders in promulgating the regulations. We established a committee early on in the process of members of the constituency, the Board and other interested parties. We completed the first three stages of the process and will be presenting the final proposed regulations along with any recommended changes to the Criminal Justice Services Board Committee on Training this Thursday for adoption of these regulations. You should have received a copy of the regulations along with the recommended changes. If you have any questions or concerns about this document, I'll be happy to address them. We have met with Ken Davis, as the representative of the bondsman on the Board and request support of the full board as we go through the final stage.

Lisa McGee stated Ken Davis, PSS Bail Bondsman Representative has authorized for his name to be posted on all information sent out to the industry in reference to the Bail Bondsman Regulations.

Kim Freiburger, Licensing Manager, addressed the new mail system PSS is now using. PSS began using the State Mail Systems (SMS) on March 5, 2007, for all outgoing mail. She anticipates full operation of mail delivery and pick up by March 12, 2007. She spoke of the cost savings it has for PSS and the convenience of having the mail centralized. She also informed the Board of the possibility of PSS going back to using a PO Box for mail delivery.

Kim reported on the Applications and Fees workgroup that met on December 15, 2006, at Virginia State Police Headquarters. She stated the workgroup was successful in making some decisions; however, they will need to reconvene due to the PSS Proposed Regulations being withdrawn.

Kim reviewed the PSS internal policy on FOIA requests. She stated the policy has been revised to include the dissemination of personal information, per the FOIA guidelines.

Tom Turner asked for clarification on how much information is being released. Kim responded that the policy formally allowed withholding of personal address, email address, and telephone numbers. By law, the Department must comply with all FOIA requests of this nature because there is currently not an exemption for the Department.

Kevin Hodges addressed the issue stating he personally sat in on the committee that established the policy two years ago. He said he felt at that time the policy had enough strength to protect our registrants. He stated that the industry and the Board should have

some concerns regarding the lack of exemptions PSS holds with the current policy. He asked that all Board members take a look at the current Code section 2.2-3705.3 and review the language included.

Tom Turner suggested the need to incorporate a disclosure of information clause on all applications, stating personal information can be disclosed upon a FOIA request.

Lisa McGee agreed and stated this will be looked at for implementation.

Kim Buckner, Training Manager, reported on the positive participation received during the Training workgroup that met on December 6, 2006, at Virginia State Police Headquarters.

She responded to several questions she has received in reference to training exemption application processing. She stated she has fifteen different applications that have to be reviewed by one person. That takes the processing time to an average of twenty-one days. She stated the Training unit receives an average of one hundred training exemption applications a month. Kim also said that approximately 80% of the Training Exemption Applications come in without the necessary information to process accurately.

The Training unit along with the Compliance and Enforcement unit are working together to clean up some of the compliance issues some schools are having.

Kim also acknowledged Lisa McGee who has stepped up and is serving as the Interim Chief. She thanked Lisa on behalf of PSS for her dedication.

Tom Turner thanked Ms. Buckner for answering questions about turn around time for the SCOP applications.

Robbie Robertson, Administration Manager, reviewed the outcome of the FBI audit. Mr. Robertson stated the chain of custody for fingerprints will be implemented by PSS within thirty to sixty days. This process will mandate all fingerprints coming into PSS will need to be placed in a sealed preaddressed envelope by the person taking the fingerprints. Only one fingerprint card can be included in each envelope. A fingerprint application can accompany the fingerprint card in the envelope. An internal policy is being devised to cover this issue.

William Stollhans asked what proof of identification the person taking the prints should verify. Robbie stated a driver's license, passport, or any other state issued ID may be used.

Chuck Tobin inquired about what standards those who are taking prints have to uphold. Lisa McGee explained this is where an authorized PSS Partner would come in.

Robbie reported that the Criminal History and Fingerprint Archiving Workgroup will meet soon.

Robbie also pointed out the information for the 2007 Private Security Services Conference is posted to the PSS website. He recommended checking the website frequently, as updates will be posted regularly.

Burt Walker, Compliance and Enforcement Manager, reported on the Partnership Workgroup brainstorming session. He explained once this is approved, the authorized Partners will be able to handle some tasks PSS does now. The workgroup also discussed the visions they have for the new software system, such as an online application process, and online registration to obtain a 99 number, and online statements taken for investigations.

Mr. Walker also reviewed some changes that have taken place in the Compliance and Enforcement unit. He stated the communication process between his unit and the other units has been enhanced and fine-tuned. All of the units are working together to educate the public. Burt also mentioned that the relationship between the law enforcement community and Private Security has been working very effectively.

Burt gave an overview of the Compliance and Enforcement statistics for 2005-2006 and 2006-2007. During his presentation Burt mentioned the numbers for investigations has risen in a few short years.

Tom Turner asked about the two investigator positions Lisa McGee mentioned in her report. Burt clarified the positions have been approved, stating one of those positions will serve as a Compliance Officer.

Deputy Chief Cervera asked what is causing the number of investigations to go up. Mr. Walker stated that the communication channels are more open now than in the past. He also contributed the increase to improved communication with Law Enforcement.

Chuck Tobin commended the Department of getting the "Private Side of Public Safety" DVD out to all of the law enforcement training academies. He asked if there were any plans to educate the consumer in the same manner. Mr. Walker confirmed that was something the Department is looking into.

William Stollhans asked if a link could be set up on the website specifically for making complaints. Burt Walker stated as of right now the Department is not looking at doing that. However, once the new software system is in place, this will be an option on the website.

Break

Chairman Hodges asked for a motion to have a ten-minute break. Chris DiMartino made a motion for a ten-minute break, Kenneth Davis seconded the motion. Motion carried.

New Business

Kenneth Davis asked for support from the industry and the Board for the Property and Surety Bail Bondsmen Proposed Regulations that will go before the CJSB on Thursday, March 8, 2007.

Board Comments

Deputy Chief Cervera spoke on a Gang Program they are introducing in Virginia Beach. He volunteered to present this program at the 2007 Private Security Services Conference.

Deputy Chief Cervera also stated that the law enforcement community backs the regulations of the Bail Bondsmen.

Tom Turner asked that PSS keep the Board updated on staffing changes by sending out any organizational chart updates to them.

Mr. Turner reported on the Campus Police and Security Advisory Committee that has been established. The committee met on February 8, 2007, and began the process of outlining campus security and training requirements. Mr. Turner gave a heads up for the possibility of additional training for officers that work for private security companies that provide contract security to campuses.

Chairman Hodges spoke on an increase in problems with armored car personnel being arrested for weapons charges while on their way home.

Chairman Hodges asked for a motion of support for the Property and Surety Bail Bondsman Proposed Regulations. Kenneth Davis made the motion and Rafe Wilkinson seconded the motion. Motion carried.

Public Comments

None

Announcements

Chairman Hodges reminded the Board of the 2007 meeting dates, July 11, 2007, October 9, 2007, and December 11, 2007. Mr. Hodges stated the October meeting will take place during the PSS annual conference. The meeting location for the July and December meetings will be announced at a later date.

Chairman Hodges also asked the Board for their support at the CJSB meeting on Thursday, March 8, 2007.

Lisa McGee thanked the PSS group for their continued support, understanding and hard work.

Adjournment

William Stollhans made a motion to adjourn the meeting. Tom Turner seconded the motion. The motion carried and the meeting was adjourned at 11:55 am.

Public Attendees

Tom Kramer
George Haudricourt
Mary Kay Wakefield
James Darrington